

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, LORA SMITH,
and TOSHA THOMAS, individually and on
behalf of a class of all other persons similarly
situated,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.;
K-M INDUSTRIES HOLDING CO., INC.
ESOP PLAN COMMITTEE; WILLIAM E.
AND DESIREE B. MOORE REVOCABLE
TRUST; TRUSTEES OF THE WILLIAM E.
AND DESIREE B. MOORE REVOCABLE
TRUST; CIG ESOP PLAN COMMITTEE;
NORTH STAR TRUST COMPANY;
DESIREE B. MOORE REVOCABLE
TRUST; WILLIAM E. MOORE MARITAL
TRUST; WILLIAM E. MOORE
GENERATION-SKIPPING TRUST; and
DESIREE MOORE, BOTH IN HER
INDIVIDUAL CAPACITY AND AS
TRUSTEE OF THE WILLIAM E. AND
DESIREE B. MOORE REVOCABLE
TRUST'S SUCCESSOR TRUSTS NAMED
ABOVE,

Defendants.

Case No. C-06-07339 CW

**STIPULATION AND ORDER TO
RE-NOTICE MOTIONS FOR
SUMMARY JUDGMENT AND
EXTEND TIME**

WHEREAS, Defendants filed motions for summary judgment on June 26, 2008, noticing the
motions for hearing on July 31, 2008;

WHEREAS, the motions are now fully briefed;

WHEREAS, the parties have agreed to a private mediation on August 18, 2008;

Accordingly IT IS HEREBY AGREED AND STIPULATED by the parties through their counsel of record, as follows:

1. The parties request that Defendants' motions for summary judgment shall be re-noticed for September 11, 2008;
2. The parties request that the Court extend the deadline for hearing on motions for summary judgment on the statute of limitations from July 31, 2008 until September 11, 2008.

Dated: July 17, 2008

LOVITT & HANNAN, INC.

By:

/s/

Ronald Lovitt
Attorneys for Defendant K-M Industries Holding Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

Dated: July 17, 2008

HENNIGAN, BENNETT & DORMAN LLP

By:

/s/

J. Michael Hennigan
Attorneys for Defendant William E. and Desiree B. Moore Revocable Trust; Desiree B. Moore Revocable Trust; William E. Moore Marital Trust; William E. and Desiree B. Moore Revocable Trust Generation-Skipping Trust; and Desiree Moore

Dated: July 17, 2008

MORGAN, LEWIS & BOCKIUS LLP

By:

/s/

Nicole Diller
Attorneys for Defendant North Star Trust Company

1 Dated: July 17, 2008

LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.

3 By: /s/
4 Todd Jackson
5 *Attorneys for Plaintiffs*
6 *and the Class*

7 IT IS SO ORDERED.

8 7/23/08



9 Dated: _____

Hon. Claudia Wilken
United States District Judge,
Northern District of California